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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04-11-2026

CORAM

THE HON'BLE MR.JUSTICE B.MURUGESAN

CRL MP(MD) No. 19149 of 2026

CNR:{HCMD011261672026}

Case QR

IN

CRL RC(MD) NO. 1529 OF 2026

Sundaramoorthy

..Petitioner

Vs

M.Sathishkumar

..Respondent

PRAYER: This Petition filed under Section 438(2) of BNSS, 2023, to suspend the sentence passed in Criminal Appeal in C.A.No.32 of 2025, dated 10.06.2026 on the file of the learned District and Sessions Judge, Karur by confirming the judgment of conviction and sentence to undergo one year simple imprisonment and to pay cheque amount of Rs.10,00,000/- as compensation to the complainant within a period of one month under Section 357(3) of Cr.P.C in default of payment of which to undergo one month simple imprisonment passed in S.T.C.No.336 of 2021, dated 07.01.2025 on the file of the learned Judicial Magistrate, Fast Track Court @ Magisterial Level, Karur and enlarge the petitioner on bail pending disposal of the above criminal revision petition.

For Petitioner :Mr.P.Pandia Rajan

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ORDER

Claiming an order suspending the execution of the sentence imposed on the petitioner/revision petitioner by the learned Judicial Magistrate, Fast Track Court @ Magisterial Level, Karur in S.T.C.No.336 of 2021, dated 07.01.2025, and confirmed by the learned District and Sessions Judge, Karur in C.A.No.32 of 2025, dated 10.06.2026, pending this criminal revision in Crl.R.C(MD)No.1529 of 2026, the petitioner/revision petitioner has filed this Criminal Miscellaneous Petition.

2. Heard the learned counsel for the petitioner/revision petitioner.

3. Learned counsel appearing for the petitioner/revision petitioner would submit that the petitioner/sole accused was convicted by the learned Judicial Magistrate, Fast Track Court @ Magisterial Level, Karur (in short, the trial court) for the offences punishable under Section 138 of the Negotiable Instruments Act in S.T.C.No.336 of 2021, dated 07.01.2025 and sentenced to undergo one year simple imprisonment and to pay compensation of Rs.10,00,000/- in default, to undergo one month simple imprisonment.

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4. Learned counsel for the petitioner would further submit that aggrieved by such conviction, the petitioner/revision petitioner filed C.A.No.32 of 2025, before the District and Sessions Judge, Karur (in short, the lower appellate court) which, vide its order dated 10.06.2026, dismissed the appeal, confirming the conviction and sentence passed by the trial court and that challenging such conviction and sentence passed by the trial court and confirmed by the lower appellate court, the petitioner/revision petitioner has filed this Criminal Revision Petition in Crl.R.C(MD)No.1529 of 2026 before this Court along with this criminal miscellaneous petition seeking suspension of sentence and bail.

5. Learned Counsel appearing for the petitioner/revision petitioner would further submit that this is a case under the Negotiable Instruments Act, that the amount involved is Rs.10,00,000/-, that the revision petitioner has issued the cheque only for the debt of Rs.50,000/- that the revision petitioner, in addition to the cheque concerned, has executed a registered mortgage deed on various occasions whenever he borrowed money, that in pursuance of the order of the trial Court as confirmed by the Appellate Court, NBW warrant has been issued and it is pending, that the revision petitioner is ready to deposit 25% of the cheque amount

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(i.e.,) Rs.2,50,000/- to the credit of S.T.C.No.336 of 2021 on the file of the learned Judicial Magistrate, Fast Track Court @ Magisterial Level, Karur in order to show his *bona fide*, that the impugned order of the lower appellate court suffers infirmities and illegalities, warranting the interference of this court, that the courts below have failed to apply their judicial mind, that challenging such infirmities and illegalities, the petitioner/revision petitioner, with several substantial grounds, has invoked the revisional jurisdiction of this court under this criminal revision and that therefore, an order suspending the execution of the sentence concerned and enlarging the petitioner/revision petitioner on bail needs to be passed in the interest of justice, pending this criminal revision.

6. Considering the facts that the petitioner is ready to deposit 25% of the cheque amount and considering the pendency of NBW as against the revision petitioner, taking into consideration of the facts and circumstances of the case and considering several substantial grounds raised in this criminal revision, this court is inclined to allow this criminal miscellaneous petition in such terms as under:

(1)that the petitioner/revision petitioner, as agreed, shall deposit a sum of Rs.2,50,000/- to the credit of S.T.C.No.336 of 2021 on the file of

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the Judicial Magistrate, Fast Track Court @ Magisterial Level, Karur,

(2)that on such deposit, the execution of sentence passed by the trial Court shall stand suspended and the petitioner/revision petitioner shall be released on bail on his executing a bond for sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, for the like sum each to the satisfaction of the learned Judicial Magistrate, Fast Track Court @ Magisterial Level, Karur, with the further conditions,

a)that the photographs and left thumb impressions of the sureties be affixed in the surety bond,

b)that a copy of their aadhar card/voter identity card/bank pass book of the sureties be furnished for their identity,

c)that the cell phone numbers of the sureties and of the petitioner/revision petitioner be furnished,

d)that the petitioner/revision petitioner shall appear before the trial Court on once in two weeks every month at 10.30 am., until further orders,

e)that in case of any violation of the above conditions, the Judicial Magistrate, Fast Track Court @ Magisterial Level, Karur, shall be at liberty to take action as per the judgment of the Supreme Court in ***P.K. Shaji Vs. State of Kerala AIR 2005 SCR 5560***.

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7.In fine, this Criminal Miscellaneous Petition is ordered, accordingly.

04-11-2026

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Note: Issue order copy on 04.11.2026.

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To

1.The District and Sessions Judge, Karur.

2.The Judicial Magistrate, Fast Track Court @ Magisterial Level, Karur.

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B.MURUGESAN, J.
BTR

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